

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MONDREA VINNING EL,

Plaintiff,

v.

**JOHN EVANS and
CHAPLAIN SUTTON, et al.,**

Defendants.

Case No. 05-cv-570-DRH-CJP

ORDER

HERNDON, Chief Judge:

Before the Court is Plaintiff's *pro se* Motion for an Extension of Time (**Doc. 68**). Plaintiff seeks up to and including September 6, 2009 to obtain and file affidavits in support of Plaintiff's Response to Defendant's Motion for Summary Judgment. (**Doc. 63**). Plaintiff was allowed up to and including August 6, 2009 to file a response to Defendant's Summary Judgment Motion, but filed it July 10, 2009. (**Doc. 67**).

The Seventh Circuit, in ***Lewis v. Faulkner*, 689 F.2d 100 (7th Cir. 1982)**, held that when a defendant files a motion for summary judgment supported by affidavit, "a prisoner who is a plaintiff in a civil case and is not represented by counsel is entitled to receive notice of the consequences of failing to respond with affidavits to a motion for summary judgment." ***Lewis*, at 102**. The notice is to be filed along with the Motion for Summary Judgment. ***Id.* at 102-103**.

Defendants filed their Motion for Summary Judgment on July 2, 2009.

(**Doc. 63**). Defendants did not file any notice to Plaintiff pursuant to the *Lewis* case, leaving it to the Magistrate Judge to do so on July 6, 2009. (**Doc. 65**). The Magistrate allowed Plaintiff up to and including August 6, 2009 to file the Response and any evidentiary support. Plaintiff filed the Response without evidentiary support only four days later.

In light of Plaintiff's *pro se* status and the previously established deadline of August 6, 2009, the Court **ALLOWS** Plaintiff leave to file affidavits and/or other evidentiary support for Plaintiff's Response to Defendant's Motion for Summary Judgment on or before August 6, 2009. Defendant's Reply brief, if any, is due on or before August 16, 2009.

IT IS SO ORDERED.

Signed this 17th day of July, 2009.

/s/ David R. Herndon
Chief Judge
United States District Court